THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

And

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

W.P. No.18467 OF 2005

DATE: 23-08-2005

Between:

K.P. Andrews S/o. Agrippa,

aged 89 years, R/o. D.No.3/421,

Saikuteer Road, Y.M.R. Colony,

Proddatur, Kadapa District. .. Petitioner

AND

The Municipal Commissioner,

Proddatur Municipality,

Proddatur. .. Respondent

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W.P. No.18467 OF 2005

ORDER: (Per Hon'ble Mr. Justice B. Sudershan Reddy)

Heard the learned counsel for the petitioner and
Sri S.I. Newton, learned standing counsel appearing for the Municipality.

The petitioner herein seeks a Writ of Mandamus directing the respondent – Municipal Commissioner, Proddatur Municipality to implement the G.O. Ms. No.83, Municipal Administration and Urban Development (TC) Department, dated 15-03-1997, and grant exemption of property tax and 20% concession in water supply tariff in respect of the house bearing D.No.3/421, Saikuteer Road, Y.M.R. Colony, Proddatur. The petitioner accordingly prays for issuance of appropriate directions declaring the demand notice No.10140000067729, dated 06-05-2005, as illegal and arbitrary.

The petitioner herein claims to be an Ex-Service Man.
It is stated that he submitted a representation to the Municipality claiming exemption of property tax in respect of the said house referred to hereinabove in terms of the G.O. Ms. No.83, dated 15-03-1997. It is stated in the affidavit filed in support of the writ petition that he has no house of his own except the house in respect of which the property tax is said to be levied which is in the name of his deceased wife,
K.P. Mariyamma. It is also asserted that he is actually residing in the said house and became owner after the death of his wife. It appears that in support of his claim, petitioner made certain documents available to his counsel and his counsel instead of sending the said documents to the Municipality, sent the same to the Standing Counsel for the Municipality. The list of documents submitted by the petitioner includes (1) attested copy of the Ex-service Man Certificate, (2) attested copy of the death certificate of
K.P. Mariyamma and (3) attested copy of the Family Members Certificate

issued by the Mandal Revenue Officer, Proddatur. Learned Standing Counsel as well could have made available those documents to the Municipality enabling it to take an appropriate decision in the matter.

Be that as it may, even after submission of those documents on 30-12-2004, no action in terms of
G.O. Ms. No.83, dated 15-03-1997, has been taken by the Municipality, instead the petitioner has been served with the impugned demand notice, dated 06-05-2005.

For the aforesaid reasons, we are of the considered opinion that interest of justice may be met by directing the Municipality to consider the claim of the petitioner and decide as to whether he is entitled to grant of exemption for payment of property tax and other reliefs as prayed for by him in terms of G.O. Ms. No.83, dated 15-07-1997. That if the documents are not already served by the learned Standing Counsel for the Municipality, it shall be open to the petitioner to make available those documents to the Municipality within a period of four weeks from today which shall duly be considered by the Municipality for taking appropriate decision in the matter, in accordance with law, within a period of eight weeks from the date of receipt of the documents from the petitioner.

It is needless to direct that no coercive steps shall be taken against the petitioner for realization of the property tax until an appropriate decision is taken by the Municipality in terms of G.O.Ms. No.83, dated 15-07-1997.

The Writ Petition is accordingly disposed of without any order as to costs.

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B. SUDERSHAN REDDY, J

Date:23-08-2005.

RAMESH RANGANATHAN, J

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